

Our ref: KON-1707

Client's ref: P-4982-001-0000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of: N. HIROSE et al.: Art Unit : 1756

Serial No. :	10/056,577	:	
Filed :	January 24, 2002	:	Examiner : C. D. Rodee
Title :	TONER FOR FORMING ELECTROSTATIC IMAGE	:	
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DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

S i r:

I, Hiroshi Yamazaki, hereby declare and say as follows:

1. I executed a Declaration on July 22, 2005 in this application.

2. I am aware that the Examiner had asked three questions about the data presented in my July 2005 Declaration. First, the Examiner had asked that I specify the percent error associated with my diameter measurement in Table 1. Second, the Examiner had asked whether the samples in Table 1 exhibited the average particle diameter (D4) taught by Nozawa and Hashimoto. Third, the Examiner had asked why I chose to employ the specific type of pulverizer and pneumatic classifier.
3. The experimental error associated with my diameter calculation was at most $\pm 0.05 \mu\text{m}$.
4. The average particle diameter (D4) of the samples shown in Table 1 of my July 2005 Declaration do not differ from the diameters taught by Nozawa and Hashimoto. Nozawa 1 and Inventive 1, prepared based on Example 34 in col. 37 of Nozawa, had a D4 of $7.1 \mu\text{m}$ as shown in Table 7 at cols. 37-38 of Nozawa. Hashimoto 1 and Inventive 2, prepared based on Example 17 in col. 53 of Hashimoto, had a D4 of $6.4 \mu\text{m}$ as shown in Table 8 at cols. 55-56 of Hashimoto. Hashimoto 2 and Inventive 3, prepared based on Example 29 in col. 62 of Hashimoto, had a D4 of $10.5 \mu\text{m}$ as shown in Table 15 at cols.

71-72 of Hashimoto. The average diameters were measured using the Coulter Multisizer with the 100 μ m aperture described in col. 20, lines 24-57 of Nozawa and col. 19, lines 21-41 of Hashimoto. I therefore believe that the average particle diameters of the samples in Table 1 of my July 2005 do not differ from the diameters taught by Nozawa and Hashimoto.

5. I chose to employ the I type mill IDS-2 pulverizer and the Mikroplex 132 MP pneumatic classifier in par. 4 of my July 2005 Declaration since these devices are conventional devices that are readily available. I believe that any differences that may exist between these devices and any other conventional devices would not affect the test data to a substantial degree.
6. It is my belief that the data presented in my July 2005 Declaration is an accurate representation of the teachings of Nozawa and Hashimoto. I also believe that the above answers to the Examiner's questions combined with the data presented in my July 2005 Declaration demonstrates the patentability of the present invention.

It is declared by undersigned that all statements made herein of undersigned's own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the U.S. Code; and that such willful false statements may jeopardize the validity of this Application or any patent issuing thereon.

Hiroshi Yamazaki

Dated: This day of , 2005.

DCL/mr